

I am Michael Wolf of South Windsor, Connecticut, and I am here specifically in support of Section 1 of Bill number 332, but to support the other amendments to various statutes that pertain to the operation and structure of the Hartford area Metropolitan District Commission embodied by the bill. As a consumer of MDC water from a "non-member town," the imposition by the MDC of specific surcharges added to our bills—spuriously justified as restitution for use of infrastructure, some of which was put in place nearly ninety years ago...long before service to the part of the Town of South Windsor in which I live even began—has been an injustice that we have been compelled to bear for over a year. The General Assembly's proposed circumscription of the powers of the MDC in that regard are welcome. But while the bill goes a long way toward rectifying the abuse in this instance of the MDC's policy making powers, it is an amelioration of one injustice but not an impediment to other forms of autocratic abuse of power.

For example, the bill includes a provision mandating public disclosure of the finances of the MDC, including its expenditures, but it does not include any enforcement mechanism for occasions on which abuse of discretion is evident. And while there will be new non-member town representation on the Board of Commissioners—the governing board of the MDC—they will represent only a small minority of The Board: four members out of 31. Thus, given the manner in which the extant 27 board members have treated the non-member towns, the prospect of some sort of equitable principle governing the MDC's actions vis-à-vis those towns seems remote. But more fundamental still is the impunity with which the MDC operates as a general rule. By statute, the MDC is exempt from regulation and control by the PURA, which is the successor of the DPUC. Hence, any need to constrain the MDC in the future will require new legislation like that being proposed here today rather than affording to those aggrieved an opportunity to petition for the redress of their grievances, and I use that phrase advisedly.

The U.S. Constitution (under Amendment I pursuant to the incorporation doctrine related to the XIV Amendment) and the Connecticut Constitution (under Article First, Section 14) require all state legislatures in America generally, but in this instance the legislature of the State of Connecticut specifically, to protect the right of the people whom they govern to petition their governments for the redress of grievances. That right, in fact, is the only reason that other rights are meaningful, for without a right of redress for the aggrieved their other rights cannot be vindicated. Under Connecticut's common law, the MDC enjoys the powers and immunities of a municipal government, and thus, it is incumbent upon that government to submit itself to the petitioning right of the citizenry under our constitutions. Yet, the legislature exempted the MDC from that duty by statute, and the current public act does not rectify that *ultra vires* exercise of legislative power.

I am grateful for the current effort to at least reign in the MDC's abuse of its power to bill, but my own experiences with the MDC convince me that a more fundamental change is necessary. The rudiments of fair governance include responsiveness of government to the legitimate will of both the population as a whole and individuals aggrieved by its actions or inactions. So thank you for this effort, but I would exhort you to consider a more global revision of the statutory arrangement that affords the MDC such autocratic power.